

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

RENAE EVELYN J.,
Plaintiff,

Case No. 3:17-cv-02030-MK
ORDER

v.

COMMISSIONER OF SOCIAL SECURITY,
Defendant.

AIKEN, District Judge.

Magistrate Judge Kasubhai filed his Findings and Recommendation ("F&R") (doc. 33) on December 12, 2018. Judge Kasubhai recommended that the Court dismiss this proceeding for lack of prosecution. The matter is now before me. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72.

No party has filed objections. Although this relieves me of my obligation to perform a *de novo* review, I retain the obligation to "make an informed, final determination." *Britt v. Simi Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), *overruled on other grounds by United States v. Reyna-Tapia*, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc). The Magistrates Act does not specify a standard of review in cases where no objections are filed. *Thomas v. Arn*, 474 U.S. 140, 152 (1985). Following the Advisory Committee Notes to Fed. R. Civ. P. 72(b), I review the

F&R for “clear error on the face of the record[.]” *See United States v. Vann*, 535 U.S. 55, 64 n.6 (2002) (stating that, “[i]n the absence of a clear legislative mandate, the Advisory Committee Notes provide a reliable source of insight into the meaning of a [federal] rule”). Having reviewed the record, I find no clear error and ADOPT Judge Kasubhai’s F&R (doc. 33).

It is so ORDERED and DATED this 28th day of February, 2019.


ANN AIKEN

United States District Judge